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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,178	08/08/2003	Norman Wayne Fleming	190251-1771	3924

24504 7590 05/04/2006

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/637,178	<b>Applicant(s)</b> FLEMING ET AL.	
	<b>Examiner</b> Thjuan P. Knowlin	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/02/04;05/21/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections – 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4 and 8-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Crowley et al (US 6,081,590).
2. In regards to claims 1, 10, and 15, Crowley discloses a system, method, and apparatus for use in routing calls (See Abstract) within a telephone network (See Fig. 1 and telecommunications system 100), comprising: a service control point (See Fig. 1 and SCP 180) operative to receive a local number portability query from a switch, where the LNP query is associated with a call from a subscriber to a first service provider (See col. 1 lines 15-28 and col. 6 lines 1-16); an intelligent traffic routing and control unit (e.g. intelligent network, querying network element, and {See Fig. 1}, network management control center 102) operable to provide routing directions for the call (See col. 6 lines 1-16); where the SCP is further operative to direct the LNP query to the intelligent traffic routing and control unit when the call is a data call and not when the call is a voice call (Crowley discloses that call treatment information is used to “selectively inhibit calls for

identified destinations", See col. 6 lines 58-64. The call treatment information is disclosed as being used to determine how to treat a particular call and/or where to send a particular call. Therefore, the call treatment information may indicate that the call is to be sent to a data network (e.g. Internet), and not a voice network (e.g. PSTN). In col. 15 lines 31-36, Crowley further discloses that private networks, wireless networks, and data networks, may be used, instead of a PSTN).

3. In regards to claim 2, Crowley discloses the system, where the routing directions comprise a Local Routing Number (See col. 12 lines 24-52).

4. In regards to claims 3 and 11, Crowley discloses the system and method, wherein the routing directions direct the call to an access server operated by the first service provider (See col. 13 lines 39-52 and col. 14 lines 37-60).

5. In regards to claim 4, Crowley discloses the system, wherein the access server is chosen based on a type of service associated with the subscriber (See col. 6 lines 48-64).

6. In regards to claims 8, 12, and 17, Crowley discloses the system, method, and apparatus, wherein the routing directions direct the call to a trunk group connecting an access server operated by the first service provider (e.g. service provider A) and the switch (See col. 14 lines 37-60).

7. In regards to claim 9, Crowley discloses the system, wherein the routing directions direct the call to an access server operated by a second server provider (e.g. service provider B) (See col. 14 lines 37-60 and col. 15 lines 15-30).

8. In regards to claims 13 and 14, Crowley discloses the method, further comprising: evaluating resources available at the first service provider (See col. 13 lines 39-57).
9. In regards to claim 16, Crowley discloses the apparatus, wherein the call type is determined by comparing a called party address field in the LNP query with telephone numbers in a database (See col. 4 lines 43-54).
10. In regards to claim 18, Crowley discloses the apparatus, wherein the intelligent traffic routing and control unit is a service package application (See col. 14 lines 37-41 and col. 15 lines 15-18).
11. In regards to claim 19, Crowley discloses the apparatus, wherein the LNP processing unit (See Fig. 1 and LNP database 110) is a service package application (See col. 14 lines 37-60).
12. In regards to claim 20, Crowley discloses the apparatus, wherein the LNP processing unit and the intelligent traffic routing and control unit share the same sub-system number the same translation type (See col. 14 lines 37-60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crowley et al (US 6,081,590).

14. In regards to claims 5, 6, and 7, Crowley discloses services provided by one or more service providers and routing based on call treatments. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the use of X2, K56Flex, and ISDN services within the system. These are merely services that can be provided to a subscriber through the use of a service provider.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Farris et al (US 6,504,907) teach a call detail reporting for lawful surveillance. Galloway et al (US 5,940,492) teach a global title translation in a telecommunications signalling network supporting local number portability.


16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



**WING CHAN**  
**SENIOR PRIMARY EXAMINER**  
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